

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ANTHONY THREATT,

Petitioner,

Case Number: 2:06-CV-11742

v.

HON. GEORGE CARAM STEEH

THOMAS BIRKETT,

Respondent.

ORDER DENYING PETITIONER’S MOTION TO CORRECT ERRORS

Petitioner Anthony Threatt, presently confined at the Marquette Correctional Facility in Marquette, Michigan, filed a petition for a writ of habeas corpus. He challenged his convictions for aggravated stalking and fourth habitual offender. The Court denied the petition on February 29, 2008. Now before the Court is Petitioner’s “Motion to Correct the Errors that the Legal Writer Program Made Doing [sic] the Time That They Were Doing Petitioner’s Applications.”

Petitioner seeks leave to amend his habeas corpus petition under Federal Rule of Civil Procedure 15 to correct errors in his habeas corpus petition and subsequent motion for relief from judgment. Section 2242 of Title 28 provides that an application for a writ of habeas corpus “may be amended or supplemented as provided in the rules of procedure applicable to civil actions.” 28 U.S.C. § 2242. The applicable civil rule, Federal Rule of Civil Procedure 15(a), states that where, as here, a responsive pleading has been filed a

party may amend its pleading “only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires.” Fed. R. Civ. P. 15(a). In this case, Petitioner’s motion was filed over three years after the Court denied the petition and declined to issue a certificate of appealability and over two years after the Sixth Circuit Court of Appeals denied a certificate of appealability. Because this matter has been adjudicated and the matter closed, justice would not be furthered by allowing amendment of the petition or motion for relief from judgment. *Accord Williams v. Norris*, 461 F.3d 999, 1003-04 (8th Cir. 2006) (affirming district court’s denial of motion to amend habeas petition filed after district court issued order denying petition).

Accordingly, the Court **DENIES** Petitioner’s “Motion to Correct the Errors that the Legal Writer Program Made Doing [sic] the Time That They Were Doing Petitioner’s Applications” [dkt. # 72].

SO ORDERED.

Dated: May 10, 2011

s/George Caram Steeh
 GEORGE CARAM STEEH
 UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on May 10, 2011, by electronic and/or ordinary mail and also to Anthony Threatt at Baraga maximum Correctional Facility, 13924 Wadogo Road, Baraga, MI49908-9204.

s/Josephine Chaffee
 Deputy Clerk